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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,118	06/30/2000	Samantha J. Busfield	7853-211	6846

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EXAMINER
DECLOUX, AMY M

ART UNIT	PAPER NUMBER
1644	24

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Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/610,118	Applicant(s) BUSFIELD ET AL.	
	Examiner Amy M. DeCloux	Art Unit 1644	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 February 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on *21 February 2003*. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☒ Applicant's reply has overcome the following rejection(s): *Written Description of Claims 231 and 252*.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☐ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: none.

   Claim(s) objected to: *231 and 252*.

   Claim(s) rejected: *132-136,138,140,142,144,146,148,150,152,154,155,157,159,161-165,168,169,171,173,175-178,180,181,183,185,187-189,191,192 and 1954*. 194, 196, 198-201, 203, 205, 207, 209, 210-213, 215, 216, 218, 220, 222-224, 226, 227, 229, 233, 235, 237, 238, 240, 242, 245, 251, 254, 256, 264

   Claim(s) withdrawn from consideration: none.

8. ☒ The proposed drawing correction filed on *22 July 2002* is a)☒ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: The 112 first written description rejection is maintained, except for claims 231 and 252. Applicant traverses the rejection on the grounds that the specification of the instant application provides adequate written description of antibodies that immunospecifically bind to a human TANGO 268 antigen, said antibodies comprising one or more variable heavy CDRs having the amino acid sequence of one or more of the VH CDRs of the scFv clone A10 and/or one or more Variable light CDRs having the amino acid sequence of one or more VL CDRs of the scFv clone A10. Applicant points out that one of skill in the art would be able to ascertain the amino acid sequences of the VH CDRs and VL CDRs of said clone using well known techniques, as well as the various permutations and combinatins of the CDRs. However, the Exminer notes that the instant claims are drawn to an antibody that immunospecifically binds to a human TANGO 268 antigen, and not to an amino acid sequence or combinations thereof.

Applicant contends that the antibodies that imunospecifically bind to a human TANGO 68 antigen comprise antigen binding sites having the structural characteristics of the various types of antibodies well known to one of skill in the art and further contends that antibodies are structurally well characterized. The examiner agrees with Applicant that antibodies are structurally well characterized but notes that a search of the prior art reveals that the antigen binding site of an antibody that immunospecifically binds to any epitope of human TANGO 68 and comprises one or more CDRs encoded by the scFv clone A10, is not taught in the art and is therefore not well known to one of skill in the art at the time the invention was made.

Applicant contends that Example 16 in the Application Guidelines states that a specification that teaches a novel antigen X but does not teach an example of an antibody capable of binding to antigen X provides written description for a claim reciting an isolated antibody capable of binding to antigen X. However the Examiner notes that the antigen in question, the TANGO 268 antigen, is not novel as evidenced by Applicant's own specification. The instant specification discloses that TANGO 268 represents Platelet expressed collagen receptor GPVI. The specification also discloses that GPVI has been known from at least 1997, which is earlier than Applicant's priority date. Therefore, TANGO 268 is not novel, by Applicant's own admission and as such Example 16 of the specification does not apply.

Applicant further contends that methods for generating antibodies comprising one defined CDR, wherein the antibodies immunospecifically bind to a particular antigen were well known in the art as of the effective date of the present application, with which the Examiner agrees. However as noted in the previous office action mailed 10-21-02, Paper No. 22, written description is severable from enablement.

The Examiner agrees with Applicant that there is written support for Claims 231 and 252. Therefore, Claims 231 and 252 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Patrick J Nolan

PATRICK J. NOLAN, PH.D.
PRIMARY EXAMINER
3/25/03